

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JENEE MARIE KLEIN,

Defendant.

CR 21–114–BLG–DLC

ORDER

Before the Court is United States Magistrate Judge John Johnston’s Findings & Recommendations Regarding Revocation of Supervised Release. (Doc. 121.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Johnston found, based on Defendant Jene Marie Klein’s admissions at the hearing, that she violated four conditions of supervised release by (1) using methamphetamine on or around September 12, 2024, in violation of Mandatory

Condition 3; (2) failing to comply with substance abuse testing requirements on September 23, 2024, in violation of Special Condition 5; (3) using methamphetamine or on around September 30, 2024, in violation of Mandatory Condition 3; and (4) failing to comply with substance abuse testing requirements on October 4, 2024, in violation of Special Condition 5. (Docs. 112 at 2; 121 at 3–4.) The Government moved to dismiss allegations 5, 6, and 7, which the Court granted. (Doc. 121 at 4.)

Judge Johnston recommends that this Court revoke Klein’s supervised release and sentence her to a custodial sentence of 4 months on Count 6 and 4 months on Count 12, to run concurrently, and to a term of 32 months of supervised release on Count 6, with no term of supervised release as to Count 12. (*Id.* at 5.) The Court finds no clear error in Judge Johnston’s Findings and Recommendations and adopts them in full.

Accordingly, IT IS ORDERED that Judge Johnston’s Findings and Recommendations (Doc. 121) is ADOPTED in full.

Jenee Marie Klein shall be sentenced in conformity with Judge Johnston’s recommendation in the judgment filed concurrently with this Order.

DATED this 12th day of December, 2024.



Dana L. Christensen, District Judge
United States District Court